

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 25, 2001
Tuesday, 9:01 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Cathy Holdeman, Assistant City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Roger Scott, Wichita Indian Mission United Methodist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of September 18, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

RECOGNITION

Gary Rebenstorf, Director of Law, - Local Government Fellow by the International Municipal Lawyers Association.

UNFINISHED BUSINESS

TOURISM

CONVENTION & VISITORS BUREAU PERFORMANCE STANDARDS.

Item pulled from the Agenda.

NEW BUSINESS

TIF

**PUBLIC HEARING CONSIDERING ESTABLISHMENT OF A TAX INCREMENT
FINANCING REDEVELOPMENT DISTRICT, CENTRAL AND HILLSIDE AREA.**
(Districts I and II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1077.

On August 21, 2001, the City Council adopted a resolution stating its intent to consider the establishment of a redevelopment district in the area of Wesley Hospital, to be known as the Central & Hillside Redevelopment District, for the purpose of facilitating the use of tax increment financing. The resolution set 9:00 a.m. on September 25, 2001, as the time for a public hearing before the City Council. Copies of the resolution were mailed to all owners and occupants of property in the proposed area, the Board of Sedgwick County Commissioners, and the U.S.D. 259 Board of Education, according to state law.

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The principal developer of the Central and Hillside commercial development project, Star Properties L.L.C., controls all property between Hillside and Rutan and between Central and Third Street. In addition, Star Properties owns a 50-foot wide strip of property fronting on the south side of Third Street between Hillside and Rutan. This strip of land will also be included in the commercial development, provided the City agrees to vacate Third Street between Hillside and Rutan. Vacation of Third Street is included in the Planned Unit Development proposal that is pending before the MAPC. Star Properties is requesting tax increment financing (TIF) assistance to assist with acquisition and clearance of a portion of the redevelopment site.

The proposal pending before the Planning Commission calls for four major commercial developments within the requested redevelopment district: a hotel, daycare center, pharmacy and a strip commercial center. In addition to the redevelopment project proposed by Star Properties, Wesley Hospital is planning a major expansion within the area included in the proposed district. Wesley's ability to carry out its expansion is affected by the need to move the existing Wesley Moter Inn from its current site to the proposed site across Central Avenue. Details of the redevelopment project and the proposed uses of tax increment financing will be provided for Council approval in the redevelopment plan at a future date.

Tax increment financing (TIF) allows the increased property tax revenue that results from the redevelopment of under-utilized property to be reinvested in the redevelopment. When a TIF district is established and a redevelopment plan is adopted by City Council, the increased tax revenue is set aside by the County Treasurer and can be used by the City to repay bonds issued to finance certain improvements that are specified in the redevelopment plan. Under state law, tax increment financing may only be used to pay for eligible improvements, which include public infrastructure, landscaping, parking facilities, land acquisition and site work. Such improvements can be financed with TIF bonds or on a pay-as-you-go basis.

The Board of County Commissioners and the Board of Education for USD 259 will have 30 days following the public hearing to determine whether the district will have an adverse impact on them, effectively precluding the use of tax increment financing. If the County and School District approve, the tax increment financing district will be established. The City Council will approve the actual use of tax increment financing by adopting a redevelopment plan for the Central and Hillside Redevelopment District that includes tax increment financing. Once a redevelopment plan is adopted and sent to the County Clerk, the tax increment revenue generated by redevelopment will be set aside and deposited into a special fund for its prescribed use. TIF revenue will continue to be set aside in this way until all TIF-financed improvements have been paid, including the retirement of any TIF bonds.

Establishment of a redevelopment district will facilitate the use of tax increment financing to pay the cost of a portion of public improvements constructed in conjunction with the proposed Central and Hillside redevelopment project. Only if the project is approved, a redevelopment plan adopted, and the specific improvements authorized by Council action, will the tax increment revenues generated in the district will actually be utilized.

The ordinance establishing the redevelopment district has been prepared by the City's Law Department. The City Council may amend the proposed boundaries of the redevelopment district at the time of adoption of the ordinance.

The Central and Hillside Redevelopment District area qualifies as an eligible area as a "conservation area" under K.S.A. 12-1770a, as amended, in that

- a. The area comprises 15% or less of the land area within the corporate limits of the City,
- b. 50% or more of the structures in the area have an age of 35 years or more (17 of the 25 structures or 68% older than 35 years),
- c. The area is not yet blighted, but may become a blighted area due to the existence of the combination of the following:
 1. dilapidation, obsolescence or deterioration of the structures,
 2. excessive vacancies, inadequate utilities and infrastructure (uncovered drainage ditch preventing further development)

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- Mayor Knight Mayor Knight inquired if anyone wished to be heard.
- Ernie Regier Ernie Regier, Regier Medical Supply Company, requested dis-inclusion of businesses on Lorraine and on Central to the west of Hillside. No redevelopment is planned. Mr. Regier said he perceives no benefit to property owners to the west of Hillside.
- Allen Bell Financial Projects Director explained that under the conservation area, a majority of the properties have to be at least 35 years of age. To remove the Lorraine properties and properties on Central to the west of Hillside would jeopardize the critical mass over 35-years of age. There may be opportunity for redevelopment west of Hillside. By including those properties, the option is open.
- Motion -- Pisciotte moved that the public hearing be closed; the District be found a conservation area; and the Ordinance establishing a redevelopment district for the Central and Hillside area be placed on first reading. Motion carried 7 to 0.
- carried

ORDINANCE

An Ordinance of the City of Wichita establishing the Central and Hillside Redevelopment District, introduced and under the rules laid over.

LAB MERGER

LABORATORY SERVICES: MERGER WITH COUNTY FORENSICS CENTER.

Ray Trail Director of Finance reviewed the Item.

Agenda Report No. 01-1078.

Sedgwick County operates a regional Forensics Science Center. The Center provides services to local governmental entities within the County at no cost and provides services regionally, outside the County, on a fee-for-service basis. For years, the City of Wichita operated separate Police Laboratory services because County services were not available to the City. Over the past few years, there have been discussions between the City and County staffs regarding the feasibility of merging Wichita's Police Laboratory services with the County Forensics Science Center.

Ideally and equitably, the City of Wichita should expect services from the County Forensics Laboratory at no cost, similar to all other governmental entities within the County. Practically, however, some City transitional assistance is necessary to effect a merger permitting the County Forensics Center to adapt to the high volume of City laboratory work while continuing a high level of service, and time to absorb the cost within the County budget. On that basis, City and County staff are jointly proposing a plan to effect the merger to become effective January 1, 2002, and with a limited transition period and cost to the City:

Merger Proposal

City Staff Positions	Two City Chemists will be paid by the City through 2002 (\$127,408) after which they will become County employees on a basis comparable to the arrangements now being worked out for Health employees.
City Commodities	\$78,750 in laboratory supplies will paid by the City to the County in 2002 as a phase-out of City cost and assumption by the County.
Capital Outlay	\$125,000 will be paid by the City to the County to partially fund the anticipated construction of additional laboratory space required for the City's volume of cases.
City Lab Equipment	City will donate equipment to the County valued at \$200,000.
Total City Cost	\$531,158 (including donated equipment)

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The advantages to the City in proceeding with this merger plan are:

- (1) Avoidance of future costs to upgrade laboratory facilities and to secure the higher certification level for the laboratory and chemists that would be necessary to continue a credible City laboratory; and
- (2) Cost savings to the Police Department (budget) in future years, beginning in 2003.

For the community, the benefit is the economy of scale and consolidation of expertise in one county-wide forensics agency, and an equitable availability of public services to the City of Wichita that is currently available to all other municipalities within the County.

Short-term, the City would have to provide \$125,000 in funding over and above the current appropriations in 2002 for the County Forensics Science Center expansion. Long-term, the City would incur projected savings of approximately \$172,000 (annually) as well as the future cost of laboratory renovations, and perhaps, construction of a new laboratory outside of City Hall.

An interlocal agreement between the City and County has been developed to set-out the donation or City equipment and payment of City funds, as well as transition the two City Chemists to County employment.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that Interlocal Agreement to merge the Police Laboratory with the County Forensics Center be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HYATT LEASEHOLD ACQUISITION OF HYATT REGENCY LEASEHOLD.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 01-1079.

The Wichita travel industry is big business. It is reported in research by the WSU Center for Economic Development and Business Research that annually, tourism, conventions, trade shows, business travel and other activity bring 3.5 million leisure visitors and 700,000 convention attendees to Wichita accounting for more than \$643 million in tourism and convention-related spending. Providing goods and services to these visitors support more than 20,000 jobs in the area, or more than 7% of the total direct employment and \$288 million in wages. Spending by visitors also generates over \$15 million annually in revenues to local governments. Securing an adequate supply of first class hotel rooms in the downtown has long been a key strategy in expanding convention and tourism and a part of the City's Core Area Plan.

The Wichita Hyatt Regency Hotel was originally developed as a central element of the community's convention and tourism strategy in downtown Wichita. The hotel is a public-private venture. The City owns the land and building, but the hotel is leased to a private hotel operating company. The hotel is inter-connected with City-owned conferencing and parking facilities, as well as the adjacent Century II/Expo Hall complex.

The hotel's private investors have determined to sell their leasehold interests in the hotel. While the hotel's financial position remains favorable, it is not achieving the (higher) rate-of-return desired by the private investors. The City has had a positive working relationship with the current operator, but is concerned about the hotel's future, including retention of the Hyatt marque under new ownership and necessary coordination of effort with City facilities, from a change in hotel ownership. City purchase of the lease would consolidate its interest in the entire complex of inter-connected facilities. The closing on the leasehold acquisition and assumption of City control would be effective by October 31, 2001.

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Management of the hotel would continue to be contracted-out to a qualified private management operator who can assure long-term retention of the Hyatt Hotel quality. City staff and a special hotel consultant are evaluating proposals from the current franchise manager, Crestline, and from the Hyatt Corporation to directly manage the hotel. A report and recommendation on the hotel operator will be made to the governing body in the near future.

The plan of finance is for the City to acquire from the private investors their leasehold equity interest in the hotel for \$2.5 million (an amount well below the private sector investment in the project) using available funding from Insurance reserves (above actuarial requirements), and to refinance the \$15.7 million bank loan. Taking advantage of lower interest costs available to the City, the debt burden on the hotel can be significantly lowered. Annual revenues from the hotel will defray this public investment to acquire the hotel lease.

A leasehold acquisition agreement has been prepared by the Department of Law, as well as a bonding Ordinance for the refinancing of the bank mortgage.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the Agreement for acquisition of the Hyatt hotel leasehold and the bonding Ordinance be approved, Staff be authorized to negotiate a hotel management agreement; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance providing funding for acquisition of the Hyatt Hotel leasehold, introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENT

BOARD APPOINTMENT:

Motion --

Martz appointed Barbara Baker to the Library Board and moved that the appointments be approved. Motion carried 7 to 0.

-- carried

PROCLAMATIONS

PROCLAMATIONS:

There were no Proclamations presented.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 24, 2001.

Bids were opened September 21, 2001, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Lavon Area Sanitary Sewer Improvements, Phase 1 - east of Hillside, north and south of 13th Street North. (468-83307/624071/651524) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Wildcat Construction - \$175,527.00

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Edgemoor Drive, from the south line of Lot 97, Block 2 to the southeast line of Lot 84, Block 2; and Pembroke Circle, from the east line of Edgemoor Drive, to the northwest line of Lot 85, Block 2, including the turn-around to serve The Courts II - north of 21st Street North, west of Woodlawn) (472-83382 /765695/490806) Does not affect existing traffic. (District I)

Central Paving - \$151,873.00 (Negotiated to engineer's estimate)

Garnett from the south line of Central Avenue, south to a point 485 feet south of the south line of Central Avenue to serve 127th Retail Addition (south of Central, west of 127th Street East) (472-83194/765697/490808) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$57,698.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Substation Power Distribution System Testing and Preventative Maintenance. (183632)

Electro Test Inc. - \$17,822.00 (Lump sum total)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: City Council Chambers Millworks. (791566)

S.B.K. Supply & Millwork Inc. - \$26,804.00 (Total net base bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Demolition and Off Site Removal of 8404 West Kellogg. (702187)

National Builders Inc. - \$25,500.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Tractors. (130500)

Prestige Golf Cars & Turf Equipment - \$10,712.72 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Michael L. Consolver Lan T. Ta	Mac Donald Golf Course Snack Bar* Kim Huong Restaurant*	840 North Yale 1410 North Broadway
<u>New Operator</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Cynthia K. Haynes	Chug-A-Lug	5111 West 13th Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

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PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2001 contract maintenance raising and under-sealing concrete slabs by foam jacking - north of Mac Arthur & West of Hoover. (472-83349/706809/405274) Traffic to be maintained during construction using flagpersons and barricades. (Districts III and IV) - \$99,996.40
- b) 2001 contract maintenance asphalt street repairs and quickset slurry seal - north of 55th South, east of 119th Street West. (472-83426/706809/405274) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V and VI) - \$300,000.00
- c) Gravity sewer to replace Lift Station No. 17, Kinkaid Park Fifth Addition - south of Pawnee, east of Broadway. (468-82526/620305/661429) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$160,000.00
- d) Lateral 258, Main 5, Sanitary Sewer #22 to serve Fruitvale Park Addition - north of 3rd, west of Anna. (468-82120/743853/480541) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$12,375.00
- e) Lateral 34, Main 24, War Industry Sewer to serve Remington Place Addition - south of 21st Street North, east of Webb. (468-83246/743885/480573) Does not affect existing traffic. (District II) - \$246,450.00
- f) 16-inch water line crossing 21st Street North at 119th Street West - 21st Street North at 119th Street West. (448-89419/635618/769678) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$35,465.00
- g) Water distribution system to serve Remington Place Addition - south of 21st Street North, east of Webb. (448-89568/735027/735027) Does not affect existing traffic. (District II) - \$108,100.00
- h) Morris, from the east line of Lot 53, Block 1 Harrison Park Second Addition to the west line of Lot 30, Block 1, Harrison Park Second Addition; Red Oaks Circle; from the north line of Morris to an including cul-de-sac (Lots 30-53, Block 1); and Red Oaks; from the south line of Morris to the south line of Lot 1, Block 1 to serve Harrison Park Second Addition - east of Webb, north of Lincoln. (472-83394 /765693/ 490804) Does not affect existing traffic. (District II) - \$192,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

IMPROVEMENTS

PETITIONS TO CONSTRUCT A SANITARY SEWER AND STORM WATER SEWER FOR PART OF EAST TURNPIKE ENTRANCE SECOND ADDITION – SOUTH OF KELLOGG, WEST OF WEBB. (District II)

Agenda Report No. 01-1080.

The Petitions have been signed by two owners, representing 100% of the improvement districts.

The Petitions are a lot split requirement.

The Petitions total \$110,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 01-412

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 551 (south of Kellogg, west of Webb) 468-83265, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-413

Resolution of findings of advisability and Resolution authorizing construction of Lateral 153, War Industries Sewer (south of Kellogg, west of Webb) 468-83332, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE UNPLATTED TRACT ON THE NORTH SIDE OF HARRY, EAST OF GREENWICH. (District II)

Agenda Report No. 01-1081.

The Petition has been signed by two owners, representing 100% of the improvement district.

This project will provide sewer service to a home north of Harry, east of Greenwich.

The Petition totals \$25,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved, the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. 01-414

Resolution of findings of advisability and Resolution authorizing construction of Lateral 317, Four Mile Creek Sewer (north of Harry, east of Greenwich) 468-83329, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE UNPLATTED TRACT SOUTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 01-1082.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide sewer service to a home located south of Maple, west of 135th Street West.

The Petition totals \$7,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 01-415

Resolution of findings of advisability and Resolution authorizing construction of Lateral 27, Cow3skin Interceptor Sewer (south of Maple, west of 135th Street West) 468-83328, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVE CUSTER

PETITION TO PAVE CUSTER, NORTH OF PAWNEE. (District IV)

Agenda Report No. 01-1103

On June 12, 2001, the City Council approved a Petition to pave Custer north of Pawnee. Based on recent bid prices, it is doubtful a construction contract can be awarded within the budget set by the Petition. The developers have submitted a new Petition with an increased budget. The signatures on the Petition represent 100% of the improvement district.

Custer, north of Pawnee, provides access to an industrial area.

The original Petition totaled \$339,000. The new Petition totals \$428,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-416

A Resolution amending Resolution No. 01-248 pertaining to the improving of Custer Avenue, from the north line of Pawnee Avenue, north to and including the cul-de-sac at the south line of vacated Orient Blvd., (north of Pawnee, west of Meridian), Project No. 472-83339, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WATER SYSTEM

CHANGE ORDER – WATER DISTRIBUTION SYSTEM TO SERVE AN AREA SOUTH OF 63RD STREET SOUTH, WEST OF THE ARKANSAS RIVER. (District III)

Agenda Report No. 01-1083.

On April 10, 2001, the City Council approved a contract to extend water service to an area south of 63rd Street South, west of the Arkansas River. A part of the work is a pipeline crossing at 63rd Street South, which is outside the city limits. The Sedgwick County Public Works Department asked that the crossing not be open-cut, due to the high traffic volumes. The solution is to steel-case bore, and jack the waterline under 63rd Street.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$16,075. The funding source is special assessments.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

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Motion -- Knight moved that the change order be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

BOARDS MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Historic Preservation Board, May 14, 2001
Wichita Historic Preservation Board, June 11, 2001
Wichita Historic Preservation Board, July 9, 2001
District Advisory Board I, August 6, 2001
Wichita Airport Advisory Board, August 6, 2001
Board of Code Standards and Appeals, August 6, 2001
Metropolitan Area Planning Commission, August 9, 2001
Wichita-Sedgwick County Board of Health, August 9, 2001
Wichita Historic Preservation Board, August 13, 2001
Board of Electrical Appeals – Office of Central Inspection, August 14, 2001
District Advisory Board IV, August 15, 2001
Design Council, August 16, 2001
Housing Advisory Board, August 21, 2001
Board of Appeals of Refrigeration, Air Conditioning, Warm Air Heating, and Boilers, August 30, 2001
Design Council, August 30, 2001
Board of Appeals of Plumbers and Gas Filters, September 5, 2001

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

EMER. SHELTER CONTRACTS WITH CATHOLIC CHARITIES AND INTERFAITH MINISTRIES – EMERGENCY SHELTER.

Agenda Report No. 01-1084.

On May 8, 2001 the City Council approved the Emergency Shelter Grant allocations to be included in the City's annual Consolidated Plan one-year action plan. The Plan provides funds for a number of homeless agencies for operations, essential services and homeless prevention. Four contracts are being brought before the Council for approval.

The contracts before the Council are Emergency Shelter Grant contracts with Catholic Charities, Inc., and Inter-Faith Ministries of Wichita, Inc. The contracts provide funding for operations, essential services and homeless prevention activities and are consistent with the City's HUD Consolidated Plan as approved by the Council. The contract period for each contract is July, 2001 through June, 2002.

The Maximum contract amounts are:

Catholic Charities Anthony Family Shelter	\$40,161
Catholic Charities Harbor House	\$ 9,235
Inter-Faith Ministries Safe Haven	\$12,767
Inter-Faith Ministries of Wichita, Inc.	\$40,722

These federal HUD funds are available through the Stewart B. McKinney Homeless Assistance Act and the contracts obligate no general funds moneys.

The contracts before the Council are with Catholic Charities and Interfaith Ministries of Wichita, Inc. to provide operations, essential services and homeless prevention. The contracts are consistent with the

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Consolidated Plan as approved by the Council and covers the period from July 1, 2001, through June 30, 2002.

Funds for these contracts are provided under the Stewart B. McKinney Homeless Assistance Act through the U.S. Department of Housing and Urban Development. The emergency shelters will provide the required match.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

LEGACY

AGREEMENT TO RESPREAD ASSESSMENTS, LEGACY SECOND ADDITION – WEST OF MERIDIAN, SOUTH OF MACARTHUR. (District IV)

Agenda Report No. 01-1085.

The developer, South Park Developers, L.C., platted Legacy 2nd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

There is no cost to the City.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

KDOT – 2002 ARTERIAL CORRIDOR PROGRAM. (District I)

Agenda Report No. 01-1086.

The 2002 Arterial Capital Improvement Program includes funds to improve Hillside from Kellogg to Central (MS-230004). The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared.

Improvements are needed to improve traffic carrying capacity and to increase safety. Construction is expected to begin next fall.

The estimated project cost is \$3,550,000 of which \$2,100,000 paid by Federal Funds and \$1,450,000 paid by the City. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

MARKETING

INTERNAL MARKETING CAMPAIGN.

Agenda Report No. 01-1087.

On March 27, 2001, the City Council approved the additional funding to the Wichita Convention & Visitors Bureau for the Strategic Master Plan for Tourism as the City's primary marketing plan. The management of the document was placed with the CVB, subject to stipulations that have been completed or are in process. To show partnership with the CVB, the City of Wichita agreed to allocate additional funding to illustrate strong support of the Plan. Because of current resources already

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allocated, the following was determined to be under the control of the City of Wichita as additional support through in-kind services. They are:

- ü The formation of a research committee to assist in the research aspect of the economic impact of the tourism and convention industry. The services of Wichita State University have been utilized to develop quantifiable and qualitative research.
- ü Web marketing is to be developed and maintained by the City's current Information Technology department. A consulting firm has been approved and obtained.
- ü Internal marketing through the City's Marketing Department in cooperation with Sedgwick County.

The Community Image Task Force consists of key community leaders that have a stake in our City's image. They were charged with spearheading efforts for the Internal Marketing campaign. City Council appointed the group with representation from the City, Sedgwick County, Convention & Visitors Bureau, Chamber of Commerce and others. Internal marketing is a key element of the Strategic Plan. It was developed to combat the negative image Wichitans have about Wichita.

The Community Image Task Force agency selection group recommends the hiring of Sullivan Higdon Sink (SHS) as the primary consultant for implementing the Internal Marketing Campaign focused on making Wichitans proud of Wichita. SHS is the top local agency and have a proven track record for making an impact with their marketing messages.

The services will not exceed \$125,000.

The agreement will be approved as to form by the Department of Law.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **DESIGN SERVICES AGREEMENT FOR WEST RIDGE ESTATES – SOUTH OF 29TH STREET NORTH, EAST OF 119TH STREET WEST.** (District V)

Agenda Report No. 01-1088.

The City Council approved the project on May 2, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in West Ridge Estates. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$58,500, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **DESIGN SERVICES AGREEMENT FOR THE COURTS II – EAST OF OLIVER, SOUTH OF 29TH STREET NORTH.** (District I)

Agenda Report No. 01-1089.

The City Council approved the project on May 15, 2001.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in The Courts II. Per Administrative

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Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$28,400, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR NIMS LIFT STATION – WITHIN NORTH OAK PARK. (District VI)

Agenda Report No. 01-1090.

The City Council approved the project on January 23, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of a sewage lift station serving the Riverside area. The Staff Screening & Selection Committee selected Baughman for the design on August 23, 2001.

Payment will be on a lump sum basis of \$19,300, and will be paid by Water Utility Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR HYDRAULIC FROM MACARTHUR TO CITY LIMITS. (Districts III and IV)

Agenda Report No. 01-1091.

On December 7, 1999, the City entered into an Agreement with Baughman Company, P.A. to design street and drainage improvements to Hydraulic from MacArthur to the City limits. The fee was \$428,000.

Baughman has been asked by the Water Department to extend sanitary sewer lines under Hydraulic. Supplemental Agreement No. 1 has been prepared.

Payment to Baughman for the Supplemental Agreement will be made on a lump sum basis of \$3,500 and will be paid by Water Utility Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HOOVER IMP.

HOOVER IMPROVEMENT – FROM SOUTH OF 31ST STREET SOUTH TO HARRY. (District V)

Agenda Report No. 01-1092.

The 2002/2003 Capital Improvement Program includes funds to improve Hoover, north and south of K-42 Highway. The project will serve an industrial area that includes the Cessna Wallace Aircraft plant, Case Manufacturing facility and Wichita Mid-Continent Airport. On December 7, 1999, the City Council approved a contract with Professional Engineering Consultants (P.E.C.) to conduct a drainage study and street design to determine the project scope. That work has been completed, and based on its findings and input from affected property owners, the limits of the project should be extended south to

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the entrance to the Case facility south of 31st Street South, to include storm water detention ponds on Cessna and Airport property and a storm water pumping station. In addition, funding authority is needed to begin right-of-way acquisition.

Cessna is planning to expand its operation to increase the number of buildings, parking lots, and employees. The area they are planning to expand is accessed from Hoover Road, a temporary two-lane asphalt mat roadway. The roadway is insufficient to manage the large volumes of traffic that will be generated from the Cessna complex. In addition, the area downstream from Cessna has a history of flooding and abuts the Wichita/Valley Center Floodway. Storm water management systems need to be constructed to better manage the flooding and allow permanent street construction.

The proposed design/right-of-way budget is \$1,850,000. The funding source is General Obligation Bonds. The supplemental design agreement has a \$544,739 fee.

Motion --
-- carried

Knight moved that the project and Agreement be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Hoover, from 1/4 mile south of 31st Street South to Harry 472-83176, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

PROPERTY ACQ.

ACQUISITION OF 541 SOUTH EDGEMOOR FOR EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 01-1093.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. One of the properties to be acquired is 541 S Edgemoor, owned by Gary and Lucinda Mikulecky. The site contains 6,700 square feet and is improved with a 758 square foot frame single-family residence. The property has two bedrooms and one bath. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was valued at \$41,000. The owner has agreed to sell for \$50,000. The property is presently leased. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$60,000 (including \$50,000 for the acquisition, \$5,000 for demolition, \$3,000 for relocation and \$2,000 for closing costs and title insurance) is requested.

Motion --
-- carried

Knight moved that the budget and Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 538 SOUTH EDGEMOOR FOR EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 01-1094.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. One of the properties to be acquired is 538 South Edgemoor, owned by Cuong Pham. The site contains 6,900 square feet and is improved with a 1,464 square foot frame single-family residence. The property has three bedrooms and one bath. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

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The property was valued at \$58,000. The owner has agreed to sell for this amount. The property is presently leased. The owner will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$73,000 is requested. This includes \$58,000 for the acquisition, \$5,000 for demolition, \$8,000 for relocation and \$2,000 for closing costs and title insurance.

Motion -- Knight moved that the budget and Contracts be approved; and the necessary signatures be authorized
-- carried .Motion carried 7 to 0.

901 N. RIDGEWOOD TRANSFER OF OWNERSHIP – 901 NORTH RIDGEWOOD. (District I)

Agenda Report No. 01-1095.

The Department of Housing and Urban Development (HUD) has developed a program to offer properties acquired through foreclosure of FHA-insured loans to local municipalities at deeply discounted prices. 901 N. Ridgewood is a single-family residence, currently owned by the City, which was acquired from HUD at the contract price of \$1.00.

Transfer of ownership of the residence to Community Housing Services (CHS) will facilitate the rehabilitation of the structure. CHS will utilize funding from loan funds provided through the Neighborworks organization. The City cannot utilize HOME funds in this instance because the property is not located in one of the City's targeted areas. However, Housing Services staff will maintain follow-up of the project.

There are no financial considerations.

Motion -- Knight moved that the transfer of ownership to Community Housing Services be approved; and the
-- carried necessary signatures be authorized. Motion carried 7 to 0.

AWARD PAYMENT PAYMENT OF CONDEMNATION AWARD. FOR WEST KELLOGG IMPROVEMENTS. (District V)

Agenda Report No. 01-1096.

Earlier this year, the City Council authorized acquisition (by eminent domain) of four tracts of land along West Kellogg in connection with the project to improve the highway. The court-appointed appraisers have filed their report of the value of the four tracts.

The award for Tracts 3 and 3A (Ebersole Lapidary – 11417 West Kellogg) is \$652,000. The award for Tracts 6 and 8 (Blaisi Tire Center, Inc. – 11209 West Kellogg) is \$734,000.

The City must pay the amount of the award, together with costs and appraisers' fees, to the Clerk of the District Court on or before October 12, 2001, to obtain title to the property. Acquisition of all four tracts is necessary for the City to have the required right-of-way to construct planned improvements to West Kellogg.

The cost of acquiring this property will be paid out of the highway improvement project.

It is necessary to pay the award, together with court costs and fees, to the Clerk of the District Court on or before October 12, 2001.

Motion -- Knight moved that payment to the Clerk of the District Court of the appraisers' award in the amount of
-- carried \$1,386,000, together with the related costs and fees of \$21,101, for acquisition of the four tracts in connection with the West Kellogg improvements, be authorized. Motion carried 7 to 0.

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CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 01-1097.

On September 10, 2001, the Board of Code Standards (BCSA) held a hearing on the following eight (8) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Property Address</u>	<u>Council District</u>
1.	1325 North Main	VI
2.	233 North Spruce	I
3.	546 North Grove	I
4.	11th & Estelle - Garage	I
5.	2717 East Shadybrook	I
6.	2608 East Stadium	I
7.	2625 North Hillside	I
8.	3815 East Pawnee	II

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing Body on November 20, 2001 at 10:30 a.m., be approved. Motion carried 7 to 0.

RESOLUTION NO. R-01-403

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 1220 and 1222 on Main Street in Bush's Addition to Wichita, Sedgwick County, Kansas, known as 1325 North Main, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-404

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 12, Spruce Avenue, Park Place Addition to Wichita, Sedgwick County, Kansas, known as 233 North Spruce in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-405

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 26 and 28 on sites, now Grove, Mossman's Second Addition to Wichita, Sedgwick County, Kansas, known as 546 North Grove, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. R-01-406

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 98 and 100, on Mable Avenue, now Estelle Avenue, in Fairmount Park Addition to Wichita, Sedgwick County, Kansas, known as garage at 11th & Estelle, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-407

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 2, Block 12, Shadybrook Addition to Wichita, Sedgwick County, Kansas, known as 2717 East Shadybrook, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-408

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the west 44 feet of Lot 26 and the east 32 feet of Lot 27, Block 4, Shadybrook Addition to Wichita, Sedgwick County, Kansas, known as 2608 East Stadium, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-409

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the south 95 feet of Lot 1, Block 1, E.A. Fisher's Addition to Wichita, Sedgwick County, Kansas, known as 2625 North Hillside, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-410

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 4, Block C, Planeview Subdivision No. 1, being a subdivision in Section 2, Township 28 South Range 1 east of the 6th P.M. Sedgwick County, Kansas, known as 3815 East Pawnee, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ SEPTEMBER 18, 2001)

- a) Industrial Revenue Bonds – Feist Publications, Inc. (District II)

ORDINANCE NO. 45-053

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$4,700,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series IX, 2001 (Feist Corporate Center Project) for the purpose of providing funds to purchase, acquire, construct and equip a commercial facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Intrust Bank, N.A., as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Bric Development, L.L.C.; approving the form of a Guaranty Agreement and Limited Guaranty Agreement; approving the sublease of the project to Feist Publications, Inc.; authorizing the execution of a Bond Placement Agreement by and between the City, Bric Development, L.L.C., Feist Publications, Inc. and Intrust Bank, N.A. as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Southeast Boulevard (K-15 Highway) improvements, between the Kansas Turnpike and I-135 Expressway. (District III)

ORDINANCE NO. 45- 054

An Ordinance declaring southeast boulevard, between the Kansas Turnpike and I-135, 472-83363, to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) 2001 Traffic Signal Program. (Districts I, V, and VI)

ORDINANCE NO. 45- 055

An Ordinance declaring the intersections of First Street as St. Francis, Market at Lewis, Market at English, English at Topeka, Emporia at English, Emporia at Third Street, Topeka at Third Street and Harvest at Maize (2001 Traffic Signalization Program) 472-83367, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Land Acquisition.

ORDINANCE NO. 45-058

An Ordinance determining the necessity for acquiring certain interests in real property and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of General Obligation Bonds of the City of Wichita, Kansas, under the authority vested in the City under Article 12, Section 5 of the Constitution of the State of Kansas.

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- e) Kansas Public Water Supply Loan Fund Program.

ORDINANCE NO. 45- 052

An Ordinance of the City of Wichita, Kansas, amending certain terms of the City's Water and Sewer Utility Revenue Bonds, Series 2000, in the original aggregate principal amount of \$7,220,000, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- f) ZON2001-00048 – West of Maize Road on the South Side of 21st Street North, 10711 West 21st Street North. (District V)

ORDINANCE NO. 45- 056

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00048

- g) ZON2001-00046 – Amendment to Protective Overlay No. 14 (Z-3221) west of Intersection of South Hillside and Ross Parkway – 2853 South Hillside. (District III)

ORDINANCE NO. 45- 057

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00046

PLANNING AGENDA

Marvin Krout Director of Planning stated that Planning Agenda Items 23, 24, and 26 could be considered as consensus unless the Council desired to withhold other Items.

Motion -- Knight moved that the Planning Agenda Items 23, 24 and 26 be approved as consensus Items.
-- carried Motion carried 7 to 0.

SUB2001-94

SUB2001-94 – STREET IMPROVEMENT AGREEMENT – SOUTHEAST CORNER OF 58TH STREET SOUTH AND SENECA. (District IV)

Agenda Report No. 01-1098.

This No Protest Agreement for the paving of 58th St. South was required for the approval of a Lot Split (SUB 2001-94) for Lot 2, Bone's South Seneca Gardens Addition. The Lot Split will allow for the creation of an additional lot zoned SF-5, Single-Family Residential. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of 58th St. South and that the owners have waived their right to protest said paving

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

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DED2001-25

DED2001-25 – DEDICATION OF ACCESS CONTROL – SOUTHWEST CORNER OF KELLOGG FRONTAGE ROAD AND HOOVER ROAD. (District V)

Agenda Report No. 01-1099.

MAPC Recommendation: Accept the dedication.

As a requirement of Lot Split No. SUB 2001-70, this dedication is being made for the purpose of access control, except for one opening, along Hoover Road.

The dedication has been reviewed and approved by the Planning Commission (10-0)

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

(Item No. 25)

CON2001-00047

CON2001-00047 – CONDITIONAL USE TO PERMIT A DAY REPORTING CENTER – GENERALLY LOCATED NORTH OF 33RD STREET NORTH, EAST OF OHIO AVENUE. (District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No.01-1100.

MAPC Recommendation: Deny (7-1-1).

Staff Recommendation: Approve, subject to conditions.

The applicant is seeking a Conditional Use to permit a “day reporting center” (DRC). “Day reporting centers” are defined by the Unified Zoning Code as “a facility that provides non-residential community supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for or more days per week six or more hours per day.” The applicant indicates that clients who are to report to this facility will be provided supervision, counseling and life-skill training in a highly structured and supervised setting. The application area is located approximately 350 feet north of 33rd Street North, immediately east of north Ohio Avenue. The site is five acres in size and is zoned “GI” General Industrial. A 9,940 square foot building is to be placed in the western third of the application area. Fifty-one parking spaces are to be provided adjacent to Ohio. The applicant is seeking a Conditional Use to permit a “day reporting center (DRC).” “Day reporting centers” are defined by the Unified Zoning Code as “a facility that provides non-residential community supervision services to individuals or offenders who are under supervision of a court and any of whom are required to report to the facility for three or more days per week for. The DRC is designed to process 120 clients. The site plan indicates the potential for an additional 7,200 square foot building some time in the future.

The need for this facility is a result of the approval of 2000 Senate Bill 323 that requires Topeka, Kansas City, Kansas, and Wichita to provide community supervision services in lieu of the state building additional prison beds. These services are funded 90% by a federal grant. Community Solutions, Inc. has a five-year contract, renewable annually, to provide these required services in Wichita. Community Solutions, Inc. has previously attempted to locate this facility in the Twin Lakes Shopping located nearby. That application was withdrawn due to community opposition. The applicant then evaluated at least 50 sites in an attempt to find one that would be acceptable to a larger segment of Center. Twin Lakes is a traditional urban shopping center located at the intersection of two arterials with residential uses the community and meets site location standards. (Some of the location standards are listed below.) If the City actively works with the Secretary of Corrections to identify a suitable location, the Secretary is required to consider the views of the City and local residents before making the final site selection. Otherwise, the Secretary potentially has the authority to pick a location and order a “day reporting center” in without regard to local zoning (2001 Senate Bill 57, sec. 148). The Department of Corrections is attempting to work with the community to find an acceptable location.

The application area is part of a much larger area that is zoned “GI” General Industrial. Uses located near the site include: warehousing, trucking / shipping, concrete cutting, Interstate 135 and a municipal

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utility. There are also undeveloped tracts located nearby. In comparison to other sites evaluated, this location is not located near residences, schools, taverns, correctional placement facilities / day reporting centers, group homes or businesses which attract children.

The "GI" zoning district permits the most intensive land uses, and is the least restrictive zoning district, in the city's zoning code. "Day Reporting Centers" require a Conditional Use in either the "LI" Limited Industrial or "GI" General Industrial districts. "DRC's" are not permitted in any other zoning districts. The use is listed in the zoning code under the general land use heading of "Public and Civic." Day reporting centers must also be in compliance with all federal, state and local regulatory requirements and if such facilities are not operated directly by a unit of government, they shall meet licensure requirements that further specify minimum service standards. Local licensing standards include a requirement to be located 1,200 feet from parks, schools, day care centers/facilities, businesses that cater to children, offices or group homes for the mentally disabled, residential districts, correctional placement facilities or day reporting centers.

Staff recommended approval of the request subject to: development and maintenance of the site in conformance with the approved site plan; all applicable permits shall be obtained; the site shall be rendered null and void if not operated in a manner consistent with the Conditional Use and the applicant has one year to begin operations or the permit is null and void.

The Metropolitan Area Planning Commission considered the application on September 6, 2001, and recommended denial (7-1-1). At the public hearing, seven individuals, mainly nearby business and property owners, spoke in opposition. These speakers cited concerns regarding: safety of employees, depreciation in value of their businesses and/or property, a stifling of continued industrial development in the area and increased vandalism. Two others spoke in support of placing the facility at the proposed location.

This report was prepared before the end of the 14-day period after the MAPC hearing for filing of protest petitions. Protest percentages will be provided to the City Council prior to the Council meeting.

Council Member Gale Council Member Gale stated that certain restrictions had been established by the City Council for siting day reporting centers. A conditional use permit will be required, regardless of site selected, as there are no sites permitted by right. Any site selected would likely receive opposition. It is understood that Staff is looking at another possible site. Perhaps a decision for this site should be deferred while the other possible sites are being examined.

Council Member Pisciotte Council Member Pisciotte said the State Legislature has dictated that a facility shall be in this community. If the City Council cannot make a decision, the State will do so for the City. There probably is not a site in Wichita without a school within a two-mile radius.

Motion -- carried Gale moved that this item be deferred four weeks. Motion carried 7 to 0.

A00-22 A00-22 – ANNEX LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF GREENWICH AND 13TH STREETS NORTH. (District II)

Agenda Report No. 01-1101.

The City has received a request to annex approximately 14 acres situated at the southwest corner of Greenwich and 13th Street North. The site's eastern boundary abuts the current City of Wichita Limits. The property owner is planning to develop the area with a 21,000 square foot commercial building. The staging of development is planned over multiple years, with 100% of development to be completed within five (5) years.

Land Use and Zoning: The annexation site consists of one (1) contiguous undeveloped tract of land zoned "LC" Limited Commercial (subject to platting). All surround property is currently in agricultural use or vacant. Raytheon's airstrip is located approximately a ¼ mile west of the proposed annexation site. Land west and south of the proposed site is zoned "SF-20" Single Family, "LI" Limited Industrial, and "LC" Limited Commercial. Land north is zoned "LC" Limited Commercial, and land east is zoned

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“LC” Limited Commercial, “TF-3” Two Family Residential, and “SF-5” Single-Family. Upon annexation, the “LC” Limited Commercial zoning will remain unchanged.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to an existing 16” water main along Greenwich. As for sewer, it is anticipated that an 8” main from the Four-Mile Creek sewer will be extended from the Killenwood Pointe subdivision located east of Greenwich with 100% of the cost paid by the developer.

Street System: The property proposed for annexation will have access to 13th Street North, a 4-lane arterial, which serves the area as the nearest major east-west road, and Greenwich, a 2-lane arterial, which serves the area as the nearest major north-south road. Currently, there are no plans to further improve that portion of 13th Street North or that portion of Greenwich in the City of Wichita 2001-2010 C.I.P. or the 2001-2005 Sedgwick County C.I.P.

Public Safety: Fire services to this site can be provided most readily, within a five (5) to seven (7) minute approximate response time, from City Station #18 located at 2808 N. Webb Road, or in the future from City Station #4, which will be located at 127th East and Kellogg. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: Chisholm Greenway, a 10-acre Recreation Corridor, is located approximately ½ mile east of the proposed site. The Wichita-Sedgwick County Parks and Open Space Master Plan shows two potential park sites that could serve this area. One located approximately two miles east of the site, and the second located approximately one mile west of the site.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the 2010 Urban Service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted by the City Council and the County Commission last year.

The property is in the process of being platted. The total assessed value of the property is \$4,322. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$12,600,000 when development is completed, resulting in an assessed value of \$3,150,000. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$98,929 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-22

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AIRPORT AGENDA

Knight moved that the Airport Agenda be approved as consensus Items. Motion carried 7 to 0.

AIRPORT

WICHITA MID-CONTINENT AIRPORT MASTER PLAN UPDATE.

Agenda Report No. 01-1102.

The 2001 Capital Improvements Program (CIP) allows for the Terminal/Concourse Remodel Design. The Master Plan project for both airports was approved by City Council on July 18, 2000.

It is requested that a project be established that will combine the Mid-Continent Airport Master Plan and Terminal/Concourse Improvements, which will include an art plan, entrance road improvements, signage and lighting improvements, and a parking garage. Because the scope of the projects has changed, the current consultant contracts for the Terminal/Concourse remodel project will need to be terminated. A Request For Qualifications statement has been prepared to solicit interest in the redefined project.

The CIP allows for \$900,000 for the design of the Terminal Concourse Remodel. The Master Plan budget of \$500,000 for Mid-Continent Airport and \$80,000 for Colonel James Jabara Airport has been approved. It is requested that a budget of \$1,400,000 be approved to combine the Mid-Continent Airport Master Plan and Terminal Concourse Remodel projects. The budget for the Jabara Master Plan will remain at the previously authorized level. The project will be funded with airport revenues, G.O. bonds, FAA grants, and Passenger Facility Charge (PFC) funds. The amount eligible for grant and PFC funding will be determined once the study and schematic design is complete.

Motion --
-- carried

Knight moved that the project be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a consultant. Motion carried 7 to 0.

RESOLUTION NO. A-01-10

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent Airport facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ADJOURNMENT

The City Council meeting adjourned at 10:16 a.m.

Pat Burnett CMC
City Clerk